

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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MARIO ESPINOZA,

Petitioner,

v.

WILLIAM "BILL" GITTERE, *et al.*,

Respondents.

Case No. 3:21-cv-00198-MMD-WGC

ORDER

Petitioner Mario Espinoza has submitted a *pro se* petition for writ of habeas corpus. (ECF No. 1-1.) Espinoza has submitted a financial affidavit but has not submitted an *in forma pauperis* application, required financial certificate, or inmate account statements. Accordingly, this matter has not been properly commenced. See 28 U.S.C. § 1915(a)(2) and LR LSR 1-2. This action, therefore, is subject to dismissal without prejudice. However, it appears from the papers presented that a dismissal without prejudice may materially affect a later analysis of any timeliness issue regarding a new action.

Accordingly, Espinoza has 30 days to either pay the \$5.00 filing fee or submit a financial certificate completed and signed by an authorized officer and an inmate account statement for the past six months. Failure to do so may result in the dismissal of this action without prejudice.

It is therefore ordered that within 30 days of the date of this order, Espinoza must either pay the \$5.00 filing fee or submit a completed financial certificate and his inmate account statement for the past six months.


It is further ordered that if Espinoza fails to comply with this order, this action may be dismissed without prejudice.

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1 The Clerk of Court is directed to send Espinoza a copy of the application to proceed  
2 *in forma pauperis* for incarcerated persons with instructions.

3 DATED THIS 16th Day of June 2021.

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7 MIRANDA M. DU  
8 CHIEF UNITED STATES DISTRICT JUDGE  
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